



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,115	09/04/2003	Olen W. Bryant JR.		5826

7590 08/05/2004

Charles Y. Lackey
Post Office Box 5871
Winston-Salem, NC 27113-5871

EXAMINER

CHAMBERS, MICHAEL S

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/655,115

Applicant(s)

BRYANT ET AL.

Examiner

Mike Chambers

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 13-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 9, 11, 12 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites the limitation "in claim" in line 1. No claim has been specified.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lip and shoulder claimed in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The

Art Unit: 3711

replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 13, 14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Moosavi. Moosavi discloses

at least two vertical side supports (14,15) each having upper and lower ends; a top horizontal member (16) having first and second ends connecting to the vertical side support upper ends; at least two rearward bracing members, each bracing member connecting with one vertical side support upper and lower ends, a horizontal ground member (21) having first and second ends connecting the rearward bracing members; and molded joint connectors at least at the junction of each vertical side support, one end of the top beam and each rearward bracing member (fig 1,2).

As to claim 2: Moosavi discloses a molded joint connector (fig 1, item 29).

As to claim 3: Moosavi discloses a sectioned rearward bracing member (fig 1, item 18,20).

As to claim 4: Moosavi discloses a molded joint connector at the junction (fig 1, item 29).

Art Unit: 3711

As to claim 5: Moosavi discloses a molded joint connector (fig 1, item 29).

As to claim 6: Moosavi discloses sectioned and joined rearward bracing members (fig 1, item 20,29).

As to claim 7: Moosavi discloses sectioned and joined rearward bracing members (fig 1, item 21, 29).

As to claims 8 and 13: See claim 1 rejection.

As to claims 14 and 20: Moosavi discloses circular cross section (fig 1)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10, 13-15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Yazaki. Heller discloses the elements of claim 1, however it fails to clearly disclose the connection means. Yazaki discloses molded joint connectors (fig 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the molded joint connectors of Yazaki with the apparatus of Heller in order to produce an inexpensive and portable device.

As to claim 2: Yazaki discloses a molded joint connector (fig 1o).

As to claim 3: Heller discloses a sectioned rearward bracing member (fig 1, item 26). Using molded connectors require using sections of pipe to form the structure.

Art Unit: 3711

As to claim 4: Heller discloses a molded joint connector at the junction (fig 1o, 1k). Using molded connectors require using sections of pipe to form the structure.

As to claim 5: Heller discloses a molded joint connector locator at the junction of each section (fig 1).

As to claim 6: Heller discloses sectioned and rearward bracing members (fig 1).

As to claim 7: Heller discloses sectioned and joined ground member (fig 1, item 26).

As to claims 8, 13, and 15: See claim 1 rejection.

As to claim 10: Yazaki discloses a right angle portion (fig 1k).

As to claim 14: Yazaki discloses circular cross section (fig 1)

As to claim 20: Yazaki discloses circular cross section (fig 1)

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Yazaki as applied to claim 1 and further in view of Johnson. The cited art discloses the elements of the , however it fails to clearly disclose the use of a ground anchor. Johnson discloses the use of a ground anchor (fig 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the ground anchor of Johnson with the apparatus in order to better secure the device on the playing field.

Allowable Subject Matter

Claims 9, 11, 12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Art Unit: 3711


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 703-306-5516. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3424178*4921257*5865693*5080375

August 3, 2004


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700